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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,216	07/05/2000	Roland D. Tai	1624.001A	4737

9629 7590 10/10/2003

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

EXAMINER

KEMPER, MELANIE A

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/610,216

Applicant(s)

TAI, ROLAND D.

Examiner

M Kemper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The apparatus is not defined. The apparatus as claimed only comprises reward offers which is not a machine. Also, "said machine-sensible match codes during machine sensing at a check-out terminal station providing data signals" is not further defined.

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3. Claim 21 is objected to because of the following informalities: "boring" should be changed to —bring—. Appropriate correction is required.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9, 11-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al., patent number 5,056,019 in view of Day et al., patent number 6,484,146.

Schultz et al. substantially teaches an apparatus for developing data to enable a management to obtain critical marketing information for carrying out improved targeted marketing and/or sales operations (col. 8, lines 5-25) including; said apparatus comprising a multiplicity of reward offers for sale of identified products with incentives

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for purchase (col. 4, lines 55-65, col. 6, lines 55-60); said reward offers: having associated therewith machine-sensible codes (col. 4, lines 65-68, col. 6, lines 25-35); suitable for members of primary prospect households to bring to check-out terminals (col. 7, lines 5-10); the codes during machine sensing at the check-out providing data: identifying households to whom the reward offers were provided (col. 7, lines 14-25); marking respective completed transactions where offers were presented (col. 7, lines 20-45); enabling auditing of reward reimbursements for financial control and fraud control (col. 9, lines 3-7, col. 10, lines 30-35); enabling tracking of purchase behaviors of households (col. 8, lines 5-25); enabling compiling purchasing loyalty rewards (col. 7, line 65 – col. 8, line 5, lines 45-68, col. 10, lines 45-55); said apparatus monitoring data transmitted between the check-out terminal and the computer facility, storing data, and storing data in relation to completed transactions (col. 7, lines 20-45); identifying groups of data corresponding to completed transactions detecting whether a group of stored data contains data corresponding to a match code, selectively storing groups of data corresponding to match codes, for analysis of patterns of purchases and of those whose patronage and loyalty are to be encouraged (col. 7, lines 30-68, col. 8, lines 5-30, col. 10, lines 20-55). Also, said accessibly stored groups include data regarding purchase of product identified by reward offers (col. 7, lines 60-68).

Day teaches monitoring data transmitted back and forth between the checkout terminal and the computer facility storing data, and storing data in relation to completed transactions (col. 6, lines 30-65); determining households whose patterns of purchases are more profitable and whose patronage and loyalty are desirable to be encouraged

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and rewarded thereby enabling management to provide subsequent offers of products with enhanced incentives for purchase thereof (col. 7, lines 20-30, col. 8, lines 5-15, 30-55). Day also teaches subsequent reward offers present offer for sale of products analytically determined to be among products which were included in the patterns of purchases, and offers for sale of products include enhanced incentives for purchase thereof (col. 4, lines 1-30); temporary data storage for temporarily storing data corresponding to the monitored signals, responsive to data identifying the start and end of transactions, temporarily storing groups of data in relation to completed transactions (col. 13, lines 5 – col. 14, line 60). It would have been obvious to one having ordinary skill in the art at the time of the invention to have monitored data transmitted back and forth between the checkout terminal and the computer facility storing data, and storing data in relation to completed transactions; determined households whose patterns of purchases are more profitable and whose patronage and loyalty are desirable to be encouraged and rewarded thereby enabling management to provide subsequent offers of products with enhanced incentives for purchase thereof as claimed in the system of Schultz since the monitoring and storing of data of Day would have provided additional immediate incentives as taught by Day in the system of Schultz to increase customer loyalty and satisfaction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Kemper whose telephone number is 703-305-9589. The examiner can normally be reached on M-F (9:00-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
M Kemper  
Primary Examiner  
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MK